

Message Text

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R 221802Z AUG 75

FM SECSTATE WASHDC

TO AMEMBASSY ANKARA

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AMEMBASSY STOCKHOLM

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E.O. 11652: NA

TAGS: EAGR ETRD

SUBJ: FRG IMPORTER REQUEST FOR EXPORT CERTIFICATION ON FOOD

1. IMPORTERS OF AGRICULTURAL COMMODITIES, PRINCIPALLY FRUITS AND VEGETABLES, IN THE FEDERAL REPUBLIC OF GERMANY HAVE, FROM TIME TO TIME, REQUEST EXPORTERS FOR GUARANTEES OF COMPLIANCE WITH GERMAN FOOD HEALTH REGULATIONS. THE IMPORTER IS RESPONSIBLE FOR THE LEGALITY OF THE IMPORTED PRODUCT UNDER THE GERMAN FOOD LAW.

2. WEST GERMANY'S PESTICIDE RESIDUE ORDINANCE PRESCRIBES MAXIMUM TOLERANCE LEVELS WHICH, IN MANY INSTANCES, ARE SUBSTANTIALLY BELOW THOSE PERMITTED IN THE U.S. AND MOST OTHER EXPORTING COUNTRIES. UNDER ARTICLE 48 OF ITS BASIC FOOD LAW, IT IS CONCEIVABLE THAT THE FRG COULD

ESTABLISH MANDATORY OFFICIAL CERTIFICATION OF THE RESIDUES OF PESTICIDES USED IN THE PRODUCTION OF ANY FOOD TO BE MARKETED IN GERMANY. THROUGH IMPLEMENTING ORDINANCES, THE FRG COULD REQUEST SUPPLYING COUNTRIES TO PROVIDE CERTIFICATION REGARDING PESTICIDE TREATMENT AND/OR RESIDUES ON ALL ITS FOOD IMPORTS. THE SAME REQUEST FOR

CERTIFICATION COULD BE MADE IN REGARD TO PRESERVATIVES ON CERTAIN FRUITS BOTH FRESH AND DRIED.

3. THIS ISSUE HAS PREVIOUSLY BEEN CONSIDERED BY THE CODEX COMMITTEE ON PESTICIDE RESIDUES AND THE DECISION WAS REACHED BY MOST PARTICIPATING COUNTRIES, INCLUDING THE U.S. THAT SUPPLYING COUNTRIES WOULD NOT BE REQUIRED TO PROVIDE SUCH CERTIFICATION. WHILE THESE CAN BE OBTAINED FROM PRIVATE LABORATORIES, PRACTICALLY NONE OF THE SUPPLYING COUNTRIES ARE IN A POSITION TO MAKE THEM AVAILABLE FROM GOVERNMENT LABORATORIES.

4. FYI: WHERE COMMODITIES IMPORTED INTO THE U.S. ARE FOUND TO CONTAIN VIOLATIVE PESTICIDE RESIDUES, THE U.S. HAS REQUIRED THE EXPORTERS TO FURNISH LABORATORY ANALYSIS OF FUTURE SHIPMENTS. WHEN THERE HAS BEEN A SERIES OF RESULTS WITH RESIDUE LEVELS EQUAL TO OR LESS THAN U.S. TOLERANCES, THE REQUIREMENT FOR SUCH ANALYSIS HAS GENERALLY BEEN DROPPED.

5. UNLESS THERE ARE OBJECTIONS PERCEIVED BY THE MISSION, WE LIMITED OFFICIAL USE

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WOULD APPRECIATE YOUR CONTACTING THE APPROPRIATE HOST COUNTRY AUTHORITIES TO ASSURE THEIR CONTINUED SUPPORT OF THE EARLIER DECISION OF THE CODEX ALIMENTARIUS OPPOSING A SYSTEM OF CERTIFICATION OF COMPLIANCE WITH PESTICIDE RESIDUE LIMITS. WE ALSO SUGGEST YOU ENDEAVOR TO ENLIST THEIR SUPPORT TO GIVE FULL ACCEPTANCE TO AS MANY AS POSSIBLE OF THE PROPOSED PESTICIDE RESIDUE TOLERANCE LEVELS RECOMMENDED BY THE CITED CODEX COMMITTEE.

6. FYI: WHAT WE ARE PARTICULARLY CONCERNED ABOUT IS THAT SOME EXPORTING COUNTRY WILL BEGIN TO ISSUE ESSENTIALLY MEANINGLESS CERTIFICATIONS AND THIS WILL BE USED BY THE REQUIRING COUNTRY TO PRESSURE THE U. S. INTO A CERTIFICATION PROCEDURE. AS YOU ARE WELL AWARE, OUR FORM OF GOVERNMENT AND OUR REGULATORY PROCEDURES WOULD NOT PERMIT THE ISSUANCE OF A PRO FORMA AND MEANINGLESS CERTIFICATION. MAW

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